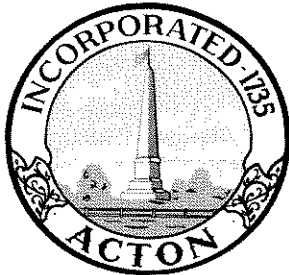


cc: BOS

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Planning Department

**TOWN OF ACTON**  
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**INTERDEPARTMENTAL COMMUNICATION**

**To:** Don P. Johnson, Town Manager

**Date:** October 29, 2004

**From:** Roland Bartl, AICP, Town Planner

R.B.

**Subject:** Bruce Freeman Rail Trail - CPA application

Attached please find the draft application and narrative summary of the above CPA application.

**Bruce Freeman Rail Trail (BFRT)****DRAFT****PROJECT APPLICATION FORM****Applicant:** Town of Acton**Submission Date:** October 26, 2004**Applicant's Address, Phone Number and Email****Purpose: (Please select all that apply)**

Don P. Johnson, Town Manager  
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- ☒ Open Space  
☐ Community Housing  
☐ Historic Preservation  
☒ Recreation

**Town Committee (if applicable):****Project Name:** Bruce Freeman Rail Trail (BFRT) – Start-up Funding**Project Location/Address:** East Acton - Concord line to North Acton - Carlisle line**Amount Requested:** up to (\$ 50,000.00)**Project Summary:** In the space below, provide a brief summary of the project.

The Bruce Freeman Rail Trail will run from the Carlisle line in North Acton to the Concord line in East Acton.

This application requests start-up funds for the 4.6-mile trail to work on right-of-way acquisition and related efforts, as well as to ascertain with MassHighway the method by which the trail will cross Great Road / Route 2A/119. Any left-over funds will be used for the right-of-way survey.

**Estimated Date for Commencement of Project:** Spring/Summer 2005**Estimated Date for Completion of Project:** Fall 2006/Winter 2007

**Bruce Freeman Rail Trail (BFRT)****Narrative:****DRAFT**

The Bruce Freeman Rail Trail will be a multi-use path on the former Penn Central Railroad right-of-way, now owned by the Massachusetts Executive Office of Transportation (EOT, formerly EOTC). The trail will run from the Carlisle line in North Acton to the Concord line in East Acton (see Figure 1). The Town has previously funded a feasibility study. Delivered by Fay, Spofford & Thorndike LLC in January 2004, the study does not find insurmountable obstacles to building the trail. North of Acton (Westford to Lowell), the trail is in design or under construction. East and south of Acton (Concord to Framingham), it is in various planning stages.

The total cost of the Acton segment of the rail trail is presently estimated at \$4.4 million, not including acquisition costs. Most of the funding will be obtained through the Federal Transportation Enhancement Grant Program (or similar). Currently, the federal funding level for design and construction is at +/-75%. The State would contribute another +/-10%, leaving the remaining +/-15% to Acton.

This application requests start up funding to work on right-of-way acquisition and related efforts, as well as to ascertain with MassHighway the method by which the trail will cross Great Road / Route 2A/119:

1. **EOT right-of-way:** The right-of-way acquisition (or other forms of obtaining control or permission to build the rail trail) from EOT is assumed to be at a nominal cost, except for legal services to conduct negotiations over the terms of the deed, easement, license, or permission from EOT. In a comparable situation (ARRT/MBTA right-of-way), the Town has spent to date \$4,230 (A&K) plus \$\_\_\_\_\_ (P&D) on negotiations with the MBTA. Both the MBTA and the EOT publicly express support for rail trails and both have a policy of making their abandoned rights-of-way available for rail trails for free to Massachusetts communities. However, the Town's experience with the MBTA teaches that "free" would come with liability terms, indemnifications, and risks that are not acceptable. Negotiations with the MBTA over these issues have so far stretched over a 3-year period, and are not yet completed.
2. **Rex Lumber:** Some years ago, the Town has conceded to Rex Lumber that it will explore alternative trail routes to the right-of-way around the Rex Lumber property. The Town does not own or control all the land needed to bypass Rex Lumber. Significant legal costs for negotiations with Rex Lumber are expected to establish the precise trail route bypassing Rex Lumber or to negotiate trail accommodations on the right-of-way passing between two Rex Lumber properties. In addition, there will be costs for surveys and appraisals. In a comparable situation (ARRT/Wedgewood easement), the Town has spent to date \$15,020 in legal costs for negotiations with the land owner, plus \$15,720 for related surveys and appraisals. Negotiations over the terms and route of the easement have stretched over nearly 3 year as well with agreements signed in the summer of 2004.
3. **Great Road (Route 2A/119) crossing:** The Fay Spofford & Thorndike feasibility study's recommendation for the rail trail crossing at Great Road is to build the trail first with a simple unsignalized crosswalk. Once built the need for signalization would be ascertained using a signal warrant analysis, which is a traffic engineering methodology for analyzing the need for traffic improvements. Apparently, this recommendation is consistent with MassHighway's thinking on traffic improvements along Great Road, but appears unacceptable in this case. The Town does not believe that a simple crosswalk could ever be safe, even if it might be just temporary. Instead, it is the Town's opinion that a safer crossing is needed from the day the trail is opened for public use. It is necessary to conduct a feasibility study for two alternative crossing options to propose to MassHighway (est. \$15,000.00):
  - a. At-grade crossing with railroad-type gate and signal, push-button or sensor activated. This installation would cost approximately \$250,000.
  - b. Fly-over crossing with +/-16 foot bridge and ramps to each side in compliance ADA standards. This installation would cost at least \$1,000,000.

Comment: Need P&amp;D #

Comment: Verify cost#

Should any of the above efforts be easier than expected and accomplished at a lower than anticipated cost, any left-over funds would be used for a survey to establish/verify and stake the right-of-way boundaries.

**Note:** Future applications for CPA funding of the BFRT will total an estimated \$660,000, or 15% of the current total cost estimate without acquisition. Secure Route 2A crossings will add additional costs.